

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**LONNIE KEVIN CRANE,**

**Plaintiff,**

**v.**

**Civil Action No. 2:06cv70**

**CENTRAL REGIONAL JAIL,**

**Defendant.**

**ORDER**

Plaintiff, a state prisoner proceeding pro se in the above-styled civil rights action, seeks to pursue his remedies in this Court pursuant to 42 U.S.C. §1983.<sup>1</sup> It will be recalled that on October 5, 2006, Magistrate Judge Kaull filed his Report and Recommendation, wherein the Plaintiff was directed, in accordance with 28 U.S.C. § 636(b)(1), to file with the Clerk of Court any written objections within ten (10) days after being served with a copy of the Report and Recommendation. On October 17, 2006, Plaintiff filed his Objections to the Magistrate Judge's Recommendation.

Upon examination of the report from the Magistrate Judge, the Court agrees that Plaintiff has failed to name a proper defendant pursuant to 42 U.S.C. §1983. Furthermore, upon careful consideration of the Plaintiff's objections, it appears to the Court that the Plaintiff has not raised any issues that were not considered by Magistrate Judge Kaull in his Report and Recommendation, or that would ultimately effect the Magistrate Judge's findings. Moreover, the Court, upon an independent de novo consideration of all matters now before it, is of the opinion that the Report and Recommendation accurately reflects the law applicable to the facts and circumstances before the Court in this action.

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<sup>1</sup>Plaintiff alleges that several conditions of confinement in the facility are unconstitutional.

Therefore, based upon the aforementioned findings, it is

**ORDERED** that Magistrate Judge Kaull's Report and Recommendation be, and the same hereby is, accepted in whole and that this civil action be disposed of in accordance with the recommendation of the Magistrate Judge. Accordingly, it is

**ORDERED** that the Plaintiff's complaint be, and the same hereby is, **DISMISSED with prejudice** pursuant to 28 U.S.C. §§1915A and 1915(e) for failure to state a claim upon which relief can be granted, and that this matter be **STRICKEN** from the docket of this Court. It is further

**ORDERED** that the Clerk shall enter judgment for the Defendant. It is further

**ORDERED** that, if Plaintiff should desire to appeal the decision of this Court, written notice of appeal must be received by the Clerk of this Court within thirty (30) days from the date of the entry of the Judgment Order, pursuant to Rule 4 of the Federal Rules of Appellate Procedure. The \$5.00 filing fee for the notice of appeal and the \$450.00 docketing fee should also be submitted with the notice of appeal. In the alternative, at the time the notice of appeal is submitted, Plaintiff may, in accordance with the provisions of Rule 24(a) of the Federal Rules of Appellate Procedure, seek leave to proceed in forma pauperis from the United States Court of Appeals for the Fourth Circuit.

**ENTER:** June 22<sup>nd</sup>, 2007

/s/ Robert E. Maxwell  
United States District Judge